



***Town of Tyngsborough
Conservation Commission***

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Tyngsborough, Massachusetts 01879-1003
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Minutes
August 28, 2007

Present:

ES: Ed Smith, Chairman
JK: Jeffery Kablik
WL: William Look
MM: Matt Marro, Conservation Director

PB: Paul Barker
LG: Lucy Gertz

Absent:

HJ: Henry Jungmann, Vice-Chairman **RS:** Robert Sherburne

7:00 Meeting opened by Ed Smith

7:00 John Rabias – 21 Trotting Park Road (Map 33, Parcel 28) (also known as 17 Trotting Park Road)–
Notice of Intent Proposed replacement of a failed septic system with work and a portion of the system within the Buffer Zone of a Bordering Vegetative Wetland.

JK: Motion waive the reading of the legal notice

WL: 2nd the motion

Unanimous 5-0

JK: Motion to waive the reading of the abutters list

WL: 2nd the motion

Unanimous 5-0

George Dimakarakos, the agent for the applicant, presented the plan to replace the existing septic system which is currently in the buffer zone. The new system will no longer be in the buffer zone. The plans for the new septic system have already been presented to the Tyngsborough Board of Health. **MM** did a site visit with the engineer who originally determined the wetlands and had no issues with the wetlands as depicted on the plans. The Commission did request a copy of the Board of Health approval be included in the Conservation file.

JK: Motion to close the hearing for 21 Trotting Park Road

PB: 2nd the motion

Unanimous 5-0

JK: Motion to issue an Order of Condition for 21 Trotting Park Road for the installation of a new septic system per plan titled Notice of Intent Plan for Tyngsborough Conservation Commission, Rev: August 3, 2007 including a copy of the Board of Health approval added to the file.

PB: 2nd the motion

Unanimous 5-0

7:15 Robert Maciel – 265 Pawtucket Blvd. Extension of DEP 309-722 – Continuance from the hearing held on June 12, 2007 to update the board on the progress of this project. A letter has also been sent requesting an additional 1 year Extension to DEP 309-722 to work out issues with the MA State Highway Department.

Maureen Hanley, agent for the applicant, requested a year extension to Order of Conditions DEP #309-722 to allow time to work out issues with Mass Highway Department. A letter was sent to Mass Highway on July 24, 2007 requesting the removal of approx. 891 s.f. of pavement within the Route 113 right of way. This pavement was to be replaced with sod per the original Order of Conditions. **Ms. Hanley** has received a brief email from **Michael Formichella** of MassHighway and is expecting a more formal letter from the state shortly with their requirements. More engineering studies are expected at that time.

William Harvey objected to any further extensions and presented a petition signed by additional abutters also objecting to the extension. **Mr. Harvey** wants the work to be completed as approved on the original Board of Appeals layout.

MM stated it was up to **Mr. Maciel** to do what ever permitting and engineering required by MassHighway and that the original Board of Appeals plan would also need MassHighway's permission to continue with the originally approved plan. **JK** questioned whether the property as is impacted the resource area. **MM** did not see an impact to the resource area as things stand and felt that **Mr. Maciel** was legally entitled to the extension.

JK: Motion to issue a 1 year Extension to Order of Condition DEP #309-722 for 265 Pawtucket Blvd. with **Mr. Maciel** appearing before the Commission every 3 months with updated on the progress being made with the MassHighway requirements..

PB: 2nd the motion

Unanimous 5-0

7:30 Residents of Mascuppic Trail regarding the water problems in the roadway

No residents appeared to present their issues. No action taken.

7:45 Brad Pacheco – 71 Mascuppic Trail (Map 32B, Parcel 33) – Enforcement order for DEP #309-653
- The Director found at this location the clearing of Bordering Vegetative Wetlands, creation of a beach and the set up of a dock - **AND - John Smith – 29 Pleasantview Ave. (M32B, P 39, L 0) - Enforcement order issued for the clearing of Bordering Vegetative Wetlands, creation of a beach and the set up of a dock at 71 Mascuppic Trail (Map 32B, Parcel 33)**

Due to an address mix up, **Mr. Pacheco** did not receive his Enforcement Order and did not appear before the Commission. Mr. Smith did appear. This issue is continued to September 11, 2007 at 7:00.

8:00 Keith Caples – 39 Cypress Lane (M26, P114, L0) - Request for Partial Certificate of Compliance DEP #309-158 – Original Order Of Conditions issued to project located on Coburn Road and Willowdale Road.

MM found that when the property on DEP 309-158 was subdivided, 39 Cypress was not actually part of this filing although it was included in the Deed Registration. **MM** recommended a partial Certificate of Compliance.

JK: Motion to issue a Partial Certificate of Compliance for 39 Cypress Road.

WL: 2nd the motion

Unanimous 5-0

Director's Determinations and Report:

- ❖ Site visit to **265 Pawtucket Blvd.** regarding a proposed planting of arborvitae (trees). No further action is recommended.

JK: Motion to approve the Directors Determination on **265 Pawtucket Blvd.**

PB: 2nd the motion

Unanimous 5-0

- ❖ Site visit to **43 Patriot Road** regarding the placement of a pool that would be approximately 60' from the wetlands. No further action is recommended.

JK: Motion to approve the Directors Determination for the shed placement on **6 Vermont Road**
PB: 2nd the motion
Unanimous 5-0

Other Business:

❖ **Signed Forms/Invoices:**

- **49 Althea Ave. (M33, P57) – Negative Determination**
- **39 Cypress Lane (M26, P114, L0) -Partial Certificate of Compliance DEP #309-158**

❖ **Minutes/Bills/Other Business**

- **ES, WL and MM** to do a site visit on Friday, 8/30, to 71 Mascuppic Trail to check on the condition at the beach. While they are there, they will also look into reports of tar on the bank of a stream that is running into the lake.
- Minutes from 7/24/07 meeting – not approved due to lack of quorum of members from the 7/24 meeting

Meeting adjourned at 8:00 PM

JK: Motion to adjourn

WL: 2nd the motion

Unanimous 5-0

Respectfully submitted

Karen Steeves, Conservation Clerk